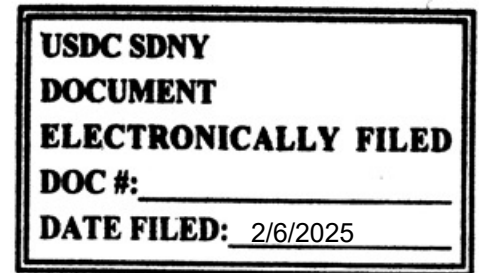




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February 5, 2025

VIA ELECTRONIC DELIVERY AND COURT FILING

The Honorable Katharine H. Parker
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 750
New York, New York 10007

APPLICATION GRANTED

Katharine H. Parker 2/6/2025
Hon. Katharine H. Parker, U.S.M.J.

Re: United States v. Anthem, Inc., 1:20-cv-02593-ALC-KHP Anthem's Request for an Extension of Time to File a Motion to Compel

Dear Judge Parker:

We represent Defendant, Anthem, Inc., in the above referenced action. We write to respectfully request an extension of the March 11, 2025 deadline for Anthem to file a motion to compel the production of any document "families" of the 41,135 documents that the Court ordered Plaintiff to produce by February 18, 2025 from the litigation production in *United States ex rel. Poehling v. UnitedHealth Group, Inc.* ("Order") (Dkt. 295).¹ To allow sufficient time for Anthem to review the documents, make a proposal to Plaintiff, meet-and-confer, and hopefully reach an agreement with Plaintiff regarding the production of any additional document families, Anthem requests that the Court extend the deadline for Anthem's motion to compel to April 11, 2025. Plaintiff consents to this request.

At the case management conference on Tuesday of this week, Plaintiff stated that it would be able to produce the 41,135 documents within two weeks and the Court stated that Anthem would have 30 days from that date to review Plaintiff's production, and one additional week to provide Plaintiff with the specific documents for which Anthem would be seeking the production of specific family members. (2/4/25 Hearing Tr. at 30:24-31:15.) During the conference, the Court further stated that if the parties cannot reach agreement regarding the production of family members, they should report back to the Court and, if necessary, file a motion. (*Id.* at 31:4-6.)

When the Court issued the Order, it directed Plaintiff to produce the 41,135 documents by February 18, 2025 (two weeks from the date of the February 4, 2025 conference), but ordered Anthem to file its motion to compel by March 11, 2025. (Dkt. 295.) While Plaintiff's February 18, 2025 deadline to produce these documents is consistent with the parties' on-the-record discussion, Anthem's March 11, 2025 deadline to file a Motion to Compel—just 21 days after the production of documents—is not. The Order effectively reduces by one-half Anthem's time to complete the review and leaves virtually no time for the parties to meet-and-confer before Anthem would be obligated to file a motion to compel.

¹ The Order, which was filed on the docket and received by Anthem on February 5, 2025, is dated February 4, 2025.

Anthem submits that it cannot reasonably complete a review of 41,135 documents in two weeks and then meet-and-confer with Plaintiff in the time available before a motion to compel would be due. Specifically, Anthem would need to load and review 41,135 documents, determine if any of them are duplicates of documents Plaintiff has already produced, assess whether any associated family members are needed, make a proposal to Plaintiff, meet-and-confer with Plaintiff concerning Anthem's request for the production of families, and draft and file a motion to compel if the parties cannot reach agreement. A production this large typically takes up to 24 hours to load and prepare for review, barring anything out of the ordinary. Assuming no technical problems arise, a volume of 41,135 documents would require over 1,000 person hours to complete just a first-level review. Once that preliminary review is complete, Anthem attorneys must then assess any documents the reviewers identify and confer internally regarding whether to seek family members of those documents. Depending on the volume of documents identified, this may involve a significant review and analysis to create a targeted set of families that Anthem will seek, which will at minimum take one week. Following that process, Anthem will make a proposal to Plaintiff for which Plaintiff will need time to assess and respond before meeting-and-conferring with Anthem to discuss Anthem's request. Completing these steps in just 21 days is simply not practical.

Accordingly, Anthem, with Plaintiff's consent, respectfully requests that the Court extend the March 11, 2025 deadline for the filing of its motion to compel to allow Anthem 30 days to review Plaintiff's production on February 18, 2025 and one week to evaluate which families, if any, it will seek before making its follow-up request to Plaintiff, as discussed at the February 4, 2025 case management conference.



Dated: February 5, 2025

Respectfully submitted

By: /s/ K. Lee Blalack, II

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